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10 Sun Microsystems, Inc.

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 NETWORK APPLIANCE, INC.,

15 Plaintiff - Counterclaim  
16 Defendant,

17 v.

18 SUN MICROSYSTEMS, INC.,

19 Defendant -  
20 Counterclaimant.

CASE NO. 3:07-CV-06053 EDL

**[PROPOSED] ORDER GRANTING SUN  
MICROSYSTEMS, INC.'S MOTION FOR  
PARTIAL STAY OF THE CASE PENDING  
REEXAMINATION OF UNITED STATES  
PATENT NOS. 5,819,292, 6,857,001 AND  
6,892,211**

**Date: TBD  
Time: TBD  
Courtroom: E, 15th Floor  
Hon. Elizabeth D. Laporte**

22 Having considered the papers submitted and arguments presented in support of and in  
23 opposition to Sun Microsystems, Inc. ("Sun") Motion For Partial Stay Of The Case Pending  
24 Reexamination Of United States Patent Nos. 5,819,292, 6,857,001 and 6,892,211 ("Motion to  
25 Stay"), IT IS HEREBY ORDERED that Sun's Motion to Stay is GRANTED. This case shall be  
26 stayed with respect to United States Patent Nos. 5,819,292, 6,857,001 and 6,892,211, as to each  
27 patent, until the United States Patent and Trademark Office either issues its final office action or  
28

1 issues a reexamination certificate. At that time, the Court and the parties shall determine whether  
2 a further stay is warranted.

3 IT IS SO ORDERED.  
4

5 Dated: May \_\_, 2008.

UNITED STATES MAGISTRATE JUDGE  
ELIZABETH D. LAPORTE